

FILED

SEP 24 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

JOSEPH DEVEREAUX FARRAND, JR.

CASE NUMBER:

W20-201M

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

Between or about February 19, 2020 through March 7, 2020, in Bell County, in the Western District of Texas, defendant(s), did knowingly use the internet, a facility and means of interstate commerce, to attempt to transfer obscene matter to another individual who had not attained the age of sixteen (16) years, knowing that the other individual had not attained the age of sixteen (16) years, in violation of Title 18, United States Code, Section(s) 1470.

I further state that I am a(n) Special Agent, Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

continued on the attached sheet and made a part hereof: YES


JOHN W. ANDERSON, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

September 24, 2020

Date

Jeffrey C. Manske
U.S. Magistrate Judge

Name & Title of Judicial Officer

Waco, Texas

City and State


Signature of Judicial Officer

United States District Court
Western District of Texas, Waco Division

Affidavit

1. Your Affiant is a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been employed as an SA of the FBI for over 12 years and am currently assigned to the San Antonio Division, Waco Resident Agency (WRA) in Waco, Texas. I am currently assigned to a violent crime squad where my responsibilities include enforcing federal criminal statutes, including investigating crimes against children such as obscenity and child pornography. As part of these duties, your Affiant has become involved in the investigation of suspected violations of Title 18, United States Code, § 1470. The facts in this affidavit come from your Affiant's personal observations, his training and experience, and information obtained from other law enforcement officers and witnesses.
2. At all times in this affidavit the phrase "child pornography" is used solely as shorthand for visual depictions of actual minors engaged in sexually explicit conduct, as these terms are defined in Title 18, United States Code, § 2256.
3. The statements contained in this affidavit are based on information provided to your Affiant by other law enforcement officers who investigate these types of crimes against children and through his personal investigation. Your Affiant has set forth herein the facts I believe are necessary to establish probable cause of said violation exists.
4. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, your Affiant has not included each and every fact known to him concerning this investigation. Your affiant has set forth only facts that I believe are necessary to establish probable cause.

Background of the Investigation

5. In February, 2020, the FBI Cleveland Division, Toledo RA Child Exploitation and Human Trafficking Task Force was operating in an undercover capacity on the social media application Whisper. An FBI Task Force Officer, using the undercover female persona

"Casey" who was in 8th grade and almost 13 years of age, was contacted through Whisper messaging by a subject listed as "TooHonest." The conversation between the undercover and "TooHonest" quickly became sexual in nature, even though "TooHonest" was advised of "Casey's" grade and age. "TooHonest" provided photos to the undercover of his erect penis. "TooHonest" also provided photos to the persona of his face and also of him in United States (U.S.) Army fatigues, with "U.S. Army" embroidered on the chest. In that particular photo, a distinctive patch could be seen on the fatigue blouse pocket. "TooHonest" advised he was stationed in Texas. In some of the photos sent by "TooHonest" of his erect penis to the 12-year old persona, "TooHonest" was dressed in his camouflage fatigues, and he stated he was at work.

6. During one particular conversation on February 19, 2020, "Casey" suggested to "TooHonest" that they communicate via text due to the unreliability of the Whisper application (app). "TooHonest" provided a cellular telephone number of 910-XXX-3786. Through the TextNow app, the male individual known as "TooHonest" on Whisper continued the sexual conversations and sent photos of his genitalia. The male also sent a photo of his face.
7. In the conversations, the male said he wanted "Casey" to engage in sexual contact with one of her friends who was also 12 years of age. Throughout the conversations, the male requested "Casey" to use her 12-year old friend's cell phone to record and take photographs of the two engaged in sexual acts.
8. In some of the conversations with "Casey," the male expressed that he wanted to engage in aggressive sexual domination of "Casey," to include choking and telling "Casey" that she would be his "little cock toy."
9. FBI Toledo sent subpoenas to TextNow for the telephone number 910-XXX-3786. The results advised the account was created with the username of "mstrjr35" and a Yahoo email address. Text Now provided the IP at the time of creation of the account. The IP address resolves to the RIPE Network located in Amsterdam, Netherlands. An Accurant search of the Yahoo email address returned that the email was being used by JOSEPH FARRAND of Killeen, Texas.

10. A request was made to the Texas Department of Public Safety for a copy of FARRAND's Texas driver's license. The photo on FARRAND's Texas driver's license matched the photo FARRAND provided to "Casey," the undercover persona. Additionally, a search was conducted of FARRAND's Facebook page, and his wife's Facebook page through simple name searches. FARRAND was identified in photos on his Facebook page showing him wearing his U.S. Army uniform and fatigues.
11. A subpoena was sent to Yahoo (Oath Holdings) for the Yahoo email address for IP address logins and subscriber information for the dates February 18, 2020 through February 25, 2020. Results from Yahoo showed the log in for the still active account was created in 2006. Yahoo provided three IP addresses that logged into the account at the time requested, and two of those IP addresses resolved to Charter Communications under the Defendant's wife name at an address in Killeen, Texas.
12. On August 18, 2020, your Affiant made a request for the water listing to the address in Killeen, Texas. The listing returned to "Farrand, Joseph D."
13. It was noted by your Affiant that the telephone number used by FARRAND during conversations with "Casey" was not the same number as on the water listing. It is known to your Affiant that users on TextNow may change their telephone number. This can be done as often as every 15 days.
14. On August 28, 2020, your affiant conducted surveillance of the residence in Killeen, Texas. Three vehicles were in the driveway. The license plate on one of the vehicles could not be observed. The other two vehicle's license plates were in plain view. One vehicle returned to JOSEPH DEVEREAUX FARRAND, JR.
15. On September 23, 2020, a search warrant was conducted at FARRAND's residence. As the search was being conducted, FARRAND agreed to speak with your Affiant and another FBI Task Force member. During the interview, FARRAND stated that, based upon reading the search warrant, he believed he understood why agents were there. FARRAND told your Affiant he wished to see what evidence your Affiant had, and FARRAND was presented with 44 pages of text material taken from conversations with "Casey." FARRAND was shown conversations from Whisper and stated it did look familiar to him,

though he did not recall the name of the individual with whom he was speaking. FARRAND was shown an undercover picture of "Casey" taken from their TextNow conversation, and FARRAND said he vaguely remembered. FARRAND was read one of the texts in which he states he wishes to see Casey's bottom in her panties. When asked if that sounded familiar or if it was something he would text, FARRAND said, "Unfortunately, yes." FARRAND became visually upset and told your Affiant there was no need to read the others. Your Affiant asked FARRAND if he sent photos of his erect penis. FARRAND responded that he did not remember that particular conversation, but that "it's not impossible." FARRAND was shown a sanitized photograph taken from the conversation with "Casey" of him holding his penis in his hand. FARRAND stated, "Potentially," "I think so," and "It's not impossible." FARRAND was asked if he remembered asking "Casey" to "practice" (as in with a hairbrush or dildo) for him. FARRAND said he did not remember specifics about this conversation. FARRAND was advised that the interviewing agent was prepared to go through each page. FARRAND said it would do no good. He did not remember specifics from that long ago; however, that was something he would say. FARRAND stated he got "hooked," and just kept doing it. FARRAND stated investigators would "probably" find very recent material of his online chats. FARRAND said it was a "problem," that things got out of hand and there no excuse for it. FARRAND agreed that he had sent thousands of such texts. FARRAND said, "I feel like shit right now."

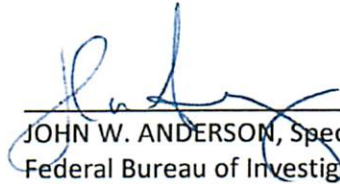
16. FARRAND stated all conversations occurred on his cell phone. FARRAND also stated there was child pornography on his cell phone. FARRAND said he was not necessarily into it (child pornography), but that it was something about the "taboo" and "pushing that limit" that was "addicting." FARRAND stated there was a folder containing one sequence of child pornography. FARRAND said it was sent to him during one of his chats. It was photos of a 17-year old girl. Your affiant viewed the folder and located the sequence. It did appear to your affiant to be a 17-year old female completely nude and displaying her genitals blatantly in a sexual manner.

Conclusion

17. Based upon the aforementioned facts, there is probable cause to believe that one or more violations of 18 U.S.C., § 1470 have been committed by JOSEPH DEVEREAUX FARRAND, JR.

18. Accordingly, your Affiant respectfully requests that an arrest warrant be issued for JOSEPH DEVEREAUX FARRAND, JR.

FURTHER AFFIANT SAYETH NAUGHT.



JOHN W. ANDERSON, Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO before me on the 24th day of September, 2020.

